

LEGAL NOTICE
TOWN OF ARLINGTON
AMENDMENTS TO ZONING AND TOWN BY-LAWS

Pursuant to the provisions of Section 32 of Chapter 40 of the General Laws of Massachusetts, I Juliana H. Brazile, Town Clerk of the Town of Arlington, hereby give notice regarding amendment to the Town Bylaws adopted under Article 15 under the Warrant for the Annual Town Meeting convened on April 26, 2021 which was approved by the Office of the Attorney General of the Commonwealth on December 23, 2021.

Copies of such Bylaws may be obtained in the Office of the Town Clerk upon request or at arlingtonma.gov/departments/clerk-s-office

ATTEST: Juliana H. Brazile
 Town Clerk

The following is the text of the changes to the Town Bylaws approved by Town Meeting:

That Title I of the Town Bylaws ("General Government") be and hereby is amended by inserting a new article to provide for the formal recognition of domestic partnerships as follows:

ARTICLE 23: DOMESTIC PARTNERSHIPS

Section 1. Purpose and Intent

The Town of Arlington ("Town") recognizes the diverse composition of its citizenry and realizes that a perpetuation of the traditional meaning of "family" can exclude a segment of the Town's population by: (1) depriving them of recognition and validation; and (2) denying them certain rights that should be afforded to persons who share their homes, hearts, and lives. Recognizing its commitment to fair treatment of its citizens, the Town adopts this Bylaw that acknowledges domestic partnerships. People in committed relationships who meet the criteria established by the Town as constituting a domestic partnership are provided an opportunity by this Bylaw to register at the office of the Town Clerk, obtain a certificate attesting to their status, and share in certain rights and benefits conferred under this Bylaw.

Section 2. Definitions

A. "Domestic partnership" shall mean two or more persons who meet all of the following requirements and who register their domestic partnership in accordance with Title I, Article 23, Section 3.

- (1) They have made a commitment of mutual support and caring for their domestic partners;
- (2) They reside together and intend to do so indefinitely;
- (3) They share basic living expenses;
- (4) They are at least eighteen (18) years of age;
- (5) They are competent to enter into a contract; and
- (6) They are not married to anyone or related to each other by blood closer than would bar marriage in the Commonwealth of Massachusetts.

B. "Dependents" shall mean a child or step-child of any domestic partner.

C. "Basic living expenses" shall mean the cost of food, shelter, utilities and essential household goods. The individuals need not contribute equally to the cost of these expenses. Labor or services in kind shall be recognized as contributions to basic living expenses.

D. "Domestic Partner" shall mean a person who meets the requirements set forth in Title I, Article 23, Section 2(A) of this Bylaw and registers pursuant to Title I, Article 23, Section 3 of this Bylaw.

Section 3. Registration, Amendment and Termination

A. Registration

(1) Statement of Domestic Partnership

(a) Domestic partners who meet the requirements set forth in Title I, Article 23, Section 2(A) of this Bylaw may make an official record of their domestic partnership by completing, signing and submitting to the Town Clerk a statement of domestic partnership. Persons submitting a statement of domestic partnership must declare under penalty of perjury that they meet the requirements set forth in Title I, Article 23, Section 2(A) of this Bylaw.

(b) The domestic partnership statement shall be on a form prescribed by the Town Clerk, which form shall include, but shall not be limited to, the names of the domestic partners and the date on which they became each other's domestic partners.

(c) The names and dates of birth of any dependents of the domestic partnership.

B. Amendment

Domestic partners may file a Domestic Partnership Amendment Form with the Town Clerk to add or delete dependents or change an address. Any amendment shall be signed, under the pains and penalties of perjury, by all of the domestic partners.

C. Termination

(1) Domestic partners shall notify the Town Clerk of the termination of their domestic partnership. Any member of a domestic partnership may terminate the domestic partnership by filing a termination statement with the Town Clerk. Termination of a domestic partnership shall become effective ninety days (90) days after the termination statement is filed with the Town Clerk. Any person filing a termination statement must declare under the pains and penalties of perjury that the domestic partnership is thereby terminated and that all domestic partners have been notified of such termination either personally or by mailing a copy of the termination statement to the other domestic partners' last and usual address by certified mail.

(2) No person may file a new statement of domestic partnership until any previous domestic partnership of which he or she was a member has been effectively terminated.

Section 4. Town Clerk

A. The Town Clerk shall maintain records of the registration, amendment and termination of domestic partnerships as permanent records. The Town Clerk shall provide appropriate

forms for a Statement of Domestic Partnership, for the registration of the Statement and for the amendment and termination of a domestic partnership.

B. The Town Clerk shall charge a fee for filing a domestic partnership equal to the fee charged to file a marriage license. Payment of the filing fee shall entitle the person filing the statement on behalf of the domestic partnership to receive one copy of the statement certified by the Town Clerk. The fee for additional certified copies of the statement, or for copies of amendment or termination statements, shall be the same fee charged for additional certified copies of a marriage license.

Section 5. Rights of Domestic Partners

Persons who have registered their domestic partnership with the Town Clerk pursuant to Title I, Article 23, Section 3 are entitled to the following rights:

- A. Visitation at health-care facilities.
 - (1) A domestic partner shall have the same visitation rights as a spouse or parent of a patient at all health-care facilities operated and maintained by the Town. A dependent shall have the same visitation rights as a patient's child.
 - (2) The term "health care facilities" includes hospitals, convalescent facilities, mental health care facilities, nursing homes, and other short and long term care facilities operated and maintained by the Town.
- B. Visitation at correctional facilities.
 - (1) A domestic partner shall have the same visitation rights at all correctional facilities operated and maintained by the Town as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
 - (2) The term "correctional facilities" includes, but is not limited to, holding cells, jails and juvenile correction centers operated and maintained by the Town.
- C. Access to children's school records and personnel.
 - (1) A domestic partner who is also the custodial parent or legal guardian of a child may file a school authorization form at, or send a letter to, the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
 - (2) When a domestic partnership is terminated pursuant to Title I, Article 23, Section 3(C), it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
 - (3) As used herein, the term "school" shall only include facilities owned and operated by the Town and shall include, but shall not be limited to, high schools, vocational schools, junior high and middle schools, elementary schools, preschools and preschool programs, after-school programs and day-care programs, provided that such are owned and operated by the Town.

Section 6. Interpretation

It is the intention of this Bylaw that its provisions shall be enforceable to the maximum extent permitted by law.

Section 7. Reciprocity

All rights, privileges and benefits shall be extended to domestic partnerships registered pursuant to similar laws enacted in other jurisdictions.

Section 8. Non-Discrimination

No person who seeks the benefit of this Bylaw, registers pursuant to its provisions, or assists another person in obtaining the benefits of this Bylaw shall be discriminated against in any way for doing so.

Section 9. Severability

The provisions of this Bylaw are severable. If any of its provisions are held invalid by the Attorney General, a court of competent jurisdiction or other reviewing authority, all other provisions shall continue in full force and effect.